

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL VITOR MORILHA,
Plaintiff,
v.
ALPHABET INC., et al.,
Defendants.

Case No. 24-cv-02793-JST

**ORDER DENYING ADMINISTRATIVE
MOTION TO SEAL**

Re: ECF No. 55

Plaintiff Daniel Morilha moves to file under seal portions of a transcript of his dissolution proceedings attached as an exhibit to a request for judicial notice. ECF No. 55. Morilha has filed a declaration in support of sealing. ECF No. 55-1. The Court hereby denies the motion.

I. LEGAL STANDARD

A party seeking to seal a document filed with the court must (1) comply with Civil Local Rule 79-5; and (2) rebut the “strong presumption in favor of access” that applies to all documents other than grand jury transcripts or pre-indictment warrant materials. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation and internal quotations omitted).

With respect to the first prong, Local Rule 79-5 requires, as a threshold, a request that (1) “establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”; and (2) is “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b).

With respect to the second prong, the showing required to overcome the strong presumption of access depends on the type of motion to which the document is attached. “[A] ‘compelling reasons’ standard applies to most judicial records. This standard derives from the common law right ‘to inspect and copy public records and documents, including judicial records and documents.’” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting

Nixon v. Warner Commc 'ns, Inc., 435 U.S. 589, 597 n.7 (1978)). To overcome this strong presumption, the party seeking to seal a judicial record must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana*, 447 F.3d at 1178–79 (internal citations omitted).

On the other hand, records attached to motions that are only “tangentially related to the merits of a case” are not subject to the strong presumption of access. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Instead, a party need only make a showing under the good cause standard of Rule 26(c) to justify the sealing of the materials. *Id.* at 1097. A court may, for good cause, keep documents confidential “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c).

II. DISCUSSION

“‘[C]ompelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d at 1179 (quoting *Nixon*, 435 U.S. at 598).

Morilha has failed to articulate any compelling reasons why the redacted portions of the transcript of his dissolution proceedings should be sealed.

CONCLUSION

Because the Court has already denied Morilha’s motion to stay, ECF Nos. 52, 57, to which the request for judicial notice corresponds, Morilha need not file a renewed sealing motion. The material filed under seal at ECF No. 55 shall remain under seal.

IT IS SO ORDERED.

Dated: December 4, 2024


JON S. TIGAR
United States District Judge